

between the hours of 6 a.m. and 6 p.m., seven days a week. From 6 p.m. to 6 a.m., seven days a week, the draw would be required to open on signal for the passage of a vessel. The proposal does not change the requirement of the owner to open the draw as soon as possible at all times for the passage of public vessels of the United States, state or local government vessels used for public safety, commercial vessels, and vessels in distress, nor does it change the two periods of time from March 16 through May 15 and from September 16 through December 14, when the bridge is required to open on signal for the passage of vessels.

Statistics provided by the bridge owner show that there are between 300 and 500 cars per hour crossing over the bridge between the hours of 6 a.m. and 6 p.m. on Saturdays and Sundays. Delays that cause traffic tie-ups are caused when the bridge opens for the passage of masted recreational vessels on a random basis. There are times during the navigation season when the bridge opened for the passage of masted recreational vessels as many as six times within a forty-five minute period with as few as five minutes between some openings. Operating regulations identical to the ones in this proposal were issued on a temporary basis for the 1989 navigation season for evaluation purposes. The temporary regulations were published in the Ninth Coast Guard District *Local Notice to Mariners*, LNM-11/89, dated May 11, 1989, with a request for comments from the marine community. No comments were received.

#### *Economic Assessment and Certification*

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulators and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The additional regulated periods will help to alleviate vehicle traffic tie-ups while still allowing vessel traffic to navigate the river. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

#### *Federalism Implication Assessment*

This action has been analyzed under the principles and criteria in Executive

Order 12612, and it has been determined that this proposed regulations does not have sufficient federalism implications to warrant preparation of a federal assessment.

#### **List of Subjects in 33 CFR Part 117**

Bridges.

#### **Proposed Regulations**

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of Title 33, Code of Federal Regulations as follows:

#### **PART 117—DRAWBRIDGE OPERATION REGULATIONS**

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. Section 117.627 is revised to read as follows:

##### **§ 117.627. Cheboygan River.**

The draw of the US 23 bridge, mile 0.9 at Cheboygan, shall operate as follows:

(a) From March 16 through May 15 and from September 16 through December 14, the draw shall open on signal.

(b) From May 16 through September 15—

(1) Between the hours of 6 p.m. and 6 a.m., seven days a week, the draw shall open on signal.

(2) Between the hours of 6 a.m. and 6 p.m., seven days a week, the draw need open only from three minutes before to three minutes after the quarter and three-quarters hour.

(c) From December 15 through March 15, no bridgetender is required to be at the bridge and the draw need not open unless a request to open the draw is given to the Cheboygan Police Department at least 24 hours in advance of a vessel's time of intended passage through the draw.

(d) At all times, the draw shall open as soon as possible for the passage of public vessels of the United States, State or local vessels used for public safety, commercial vessels, and vessels in distress.

Dated: April 26, 1991.

G. A. Penington,

Rear Admiral, U.S. Coast Guard Commander,  
9th Coast Guard District.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 799**

[OPTS-42123A/42134A; FRL 3893-8]

RIN 2070-AC27

#### **Multi-Substance Rules for the Testing of Developmental/Reproductive Toxicity and Neurotoxicity; Proposed Test Rules; Extension of Comment Periods**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rules; extension of comment periods.

**SUMMARY:** EPA is extending the comment periods for the proposed multi-substance test rules for developmental/reproductive toxicity and neurotoxicity testing published in the Federal Register of March 4, 1991. The extension responds to a request by the Chemical Manufacturers Association (CMA) and others for additional time to comment on the rules and prepare oral testimony for a public meeting.

**DATES:** Written comments on either proposed rule must be submitted on or before June 3, 1991. Public meetings have been requested for both proposed rules and will be held no earlier than June 3, 1991.

**ADDRESSES:** Submit written comments, identified by the applicable document control number [OPTS-42123A or OPTS-42134A], in triplicate to: TSCA Public Docket Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, rm. NE-G004, 401 M St., SW., Washington, DC 20460. A public version of the administrative record supporting this action is available for inspection in rm. NE-G004 at the above address from 8 a.m. to noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

#### **FOR FURTHER INFORMATION CONTACT:**

David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, rm. E-543B, 401 M St., SW., Washington, DC 20460, Phone: (202) 554-1404 TDD: (202) 554-0551

**SUPPLEMENTARY INFORMATION:** EPA issued proposed rules on the testing of substances for developmental/reproductive toxicity and neurotoxicity, simultaneously published in the Federal Register of March 4, 1991 (56 FR 9092 and 56 FR 9105). CMA and others have requested a 60-day extension of both comment periods and dates for public meetings. EPA has agreed to a 30-day extension that will extend the end of the comment period for both of the rules

from May 3, 1991, to June 3, 1991. Public meetings have been requested for both rules and will be held no earlier than the close of the comment period.

Authority: 15 U.S.C. 2603.

Dated: April 30, 1991.

Mark A. Greenwood,  
Director, Office of Toxic Substances.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard 46 CFR Part 32

[CGD 90-071]

RIN 2115-AD69

### Tank Level or Pressure Monitoring Devices

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is soliciting comments relating to tank level or pressure monitoring devices on tank vessels carrying oil. Regulations to require installation of these devices on tank vessels are mandated by the Oil Pollution Act of 1990. The purpose of requiring these devices is to reduce the impact of oil spillage.

**DATES:** Comments must be received on or before October 4, 1991.

**ADDRESSES:** Comments may be mailed to the Executive Secretary, Marine Safety Council (C-LRA-2/3406) (CGD 90-71), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Felleisen, Marine Technical and Hazardous Materials Division (202) 267-1217.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD 90-71) and the specific section of

this proposal to which each comment applies, and give the reason for each comment. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments received during the period.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Marine Safety Council at the address under "ADDRESSES." If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a date and place announced by a later notice in the Federal Register.

#### Drafting Information

The principal persons involved in drafting this rulemaking are Thomas J. Felleisen, Project Manager, and Nicholas E. Grasselli, Project Counsel, Office of Chief Counsel.

#### Background and Purpose

Regulations for tank level or pressure monitoring devices are required by section 4110 of Public Law 101-380, the Oil Pollution Act of 1990 (Act). The Act is based on H.R. 1465. During consideration of H.R. 1465, the Committee of the Whole House agreed to an amendment from the Committee on Public Works and Transportation which added, *inter alia*, the Act's requirements for tank level or pressure monitoring devices. The intent of requiring those devices was:

"so that tanks and tankers and barges carrying oil would have a monitoring device similar to the monitoring device that we have in our automobiles to warn a crew when, in fact, there is oil that is leaking." (Congressional Record, November 9, 1989, p. H 8254.)

The amendment mandating tank level or pressure monitoring devices also included requirements for gauging of tank plating and overfill devices which are not contained within this rulemaking. The Coast Guard's implementation of those requirements will be undertaken separately.

As amended, H.R. 1465 passed the House of Representatives. Subsequently, the House and Senate agreed to a conference on H.R. 1465. The conferees made no major change to the tank level or pressure monitoring device requirement, and the President signed the Act on August 18, 1990.

This statutory requirement for tank level or pressure monitoring device regulations was mentioned next to a discussion of the slick from Tank Barge 565. During a thunderstorm in August 1988, the hull of that 37-year-old barge

failed while being towed up the Chesapeake Bay. The barge was being towed on a 600-foot hawser when it nearly broke in two causing both of its ends to rise up out of the water and oil to spill. Because the storm reduced visibility to near zero, the towing vessel's crew was unaware of the spill until notified by a passing vessel as the storm was abating.

The usefulness of tank level or pressure monitoring devices is that they might inform the master of a leak so that appropriate action can be taken. The master's actions would include performing the notification required by 33 CFR 153.203 and navigating clear of areas with especially sensitive environments. Under some circumstances, the master might even be able to transfer enough cargo from the leaking tank into a tight tank, and thereby stop the outflow of oil on the basis of hydrostatic balance (cf. Congressional Record, November 9, 1989, pp. H 8265-6.). However, use of the devices will not normally prevent pollution. The vessel's crew cannot immediately stop a leak by repairing the vessel's hull because of the nature of those repair operations.

The Coast Guard interprets the term, "pressure devices," to mean devices which monitor the hydrostatic head above a tank bottom and which are conceptually modelled after devices used to remotely monitor ocean dumping from barges.

This advance notice of proposed rulemaking is intended to provide environmental groups, industry, and other interested parties the opportunity to comment on how to best implement the Act's requirements for tank level or pressure monitoring devices. The Coast Guard invites comments on all aspects of these requirements, and particularly on the following five topics.

1. Preliminary research suggested that existing level detectors are not sufficiently sensitive to indicate leakage before a large spill occurs. That conclusion was verified by consulting internationally recognized experts in the field of marine environmental protection and marine vessel design. The Coast Guard is contracting for a study to determine if there are existing devices which can indicate small rates of leakage from a vessel's tanks, or devices which could be modified to indicate small leakage rates. Has the Coast Guard overlooked any existing devices which have both a high sensitivity and a proven shipboard performance record while carrying liquids with the viscosity of gasoline or crude oil? (Manufacturers' claims of high sensitivity should be